

PATENT  
#01-0367-UNI  
Case #F7590(V)

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Van Oorschot et al.  
Deposited: February 8, 2002  
For: PROCESS FOR THE PREPARATION OF ONE OR MORE STATINS BY  
FERMENTATION

Edgewater, New Jersey 07020  
February 8, 2002

**PRELIMINARY AMENDMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

With regard to the above-identified application filed concurrently herewith, please  
amend the following:

**In the Claims:**

Please enter the following amended claims:

4. (Amended) Process according to claim 1, wherein the statins producing fungus  
is a *Monascus* fungus.
5. (Amended) Process according to claim 1, wherein an amount of oil being at  
least 5 wt.% oil is present in the substrate during fermentation.

8. (Amended) Process according to claim 5, wherein the amount of oil is at least 10 wt.%.

13. (Amended) Food product according to claim 11, wherein the amount of genistein is 20-80 wt.% of the sum of the amounts of genistein and genistin.

14. (Amended) Food product according to claim 10, wherein the amount of a) is 5-500 mg/kg and the amount of b) 1 wt. or higher.

15. (Amended) Food product according to claim 14, wherein the amount of b) is 5 wt.% or higher.

16. (Amended) Food product according claim 10, wherein the food product has a Hue a\* value less than 10.

17. (Amended) Food product according to claim 10, wherein the one or more compounds chosen from the group: polyunsaturated fatty acids, phytosterols, proteins, peptides, dietary fibers, polyphenols and saponins are substantially derived from soybeans.

18. (Amended) Food product according to claim 10, wherein the food product is a margarine, dressing, sweet, bar meal replacer, breakfast cereal or beverage.

## REMARKS

The present amendment is submitted to eliminate multiple dependencies and to correct minor typographical errors. The amendments were not intended to and should not be construed to have been made for any reasons related to patentability of the claims.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attachment is captioned "Version with Markings to Show Changes Made".

Respectfully submitted,



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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

4. (Amended) Process according to ~~any one of claims~~ claim 1, wherein the statins producing fungus is a *Monascus* fungus.

5. (Amended) Process according to ~~any one of claims~~ claim 1, wherein an amount of oil being at least 5 wt.% oil is present in the substrate during fermentation.

8. (Amended) Process according to ~~any of claims~~ claim 5, wherein the amount of oil is at least 10 wt.%.

413. (Amended) Food product according to claim 11, wherein the amount of genistein is 20-80 wt.% of the sum of the amounts of genistein and genistin.

4314. (Amended) Food product according to claim 10, wherein the amount of a) is 5-500 mg/kg and the amount of b) 1 wt. or higher.

4415. (Amended) Food product according to claim 14, wherein the amount of b) is 5 wt.% or higher.

4516. (Amended) Food product according ~~any one of claims~~ claim 10, wherein the food product has a Hue a\* value less than 10.

4617. (Amended) Food product according to claim 10, wherein the one or more compounds chosen from the group: polyunsaturated fatty acids, phytosterols, proteins, peptides, dietary fibers, polyphenols and saponins are substantially derived from soybeans.

4718. (Amended) Food product according to claim 10, wherein the food product is a margarine, dressing, sweet, bar meal replacer, breakfast cereal or beverage.